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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91188736
Party	Plaintiff Anastasia Beverly Hills, Inc.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ANASTASIA BEVERLY HILLS, INC.
ANASTASIA SOARE
ANASTASIA SKIN CARE, INC.

Plaintiffs/Opposers

v.

ANASTASIA MARIE LABORATORIES, INC.

Defendant/Applicant

Opposition No.

91188736

ANSWER TO AMENDED COUNTERCLAIMS

Plaintiffs and Cross Defendants Anastasia Beverly Hills, Inc. ("ABH"), Anastasia Soare ("AS") and Anastasia Skin Care Inc. ("ASC") jointly and severally answer Defendant's Amended Counterclaims I and II as follows (each below numbered paragraph is directed to the correspondingly numbered paragraph of the Counterclaims):

1. ADMITTED that Opposer ABH is the owner of registration 2,798,069 for the mark A ANASTASIA BEVERLY HILLS; but DENIED that the registration is directed to the quoted goods in Class 3. In particular, some of the listed goods are not in Class 3 and the quoted language as to Class 3 is missing "and" prior to "fragranced".
2. ADMITTED.

3. ADMITTED that a Notice of Allowance issued on June 3, 2003, but DENIED that it was for the listed goods in Class 3. In particular, some of the listed goods are not in Class 3, and the Notice of Allowance did not recite "products".

4. ADMITTED that an undated Declaration signed by Opposer AS as President of Opposer ABH and mailed by its attorney on behalf of Opposer ABH on August 5, 2003 included the phrase "Applicant has used the mark in commerce on or in connection with the goods specified in the Notice of Allowance" but DENIED that the document signed by Opposer AS claimed any specific date of first use in commerce or that the September, 1999 date was material or was made to induce the issuance of any registration.

5. ADMITTED as to nail polish, nail base coat, and nail top coat, but otherwise DENIED. In particular, prior to January 2010 at least some of the specified goods were used by Opposers in their Beverly Hills salon in connection with various A ANASTASIA BEVERLY HILLS branded skin care services and the A ANASTASIA BEVERLY HILLS mark was used on at least some of the specified goods on sale in the salon.

6. ADMITTED that Opposers had not used the A ANASTASIA BEVERLY HILLS mark "in commerce" (as that term is defined in the Lanham Act) in connection with the 13 specified goods as of the date of registration, but otherwise DENIED.

7. ADMITTED that Opposers had not used the A ANASTASIA BEVERLY HILLS mark "in commerce" (as that term is defined in the Lanham Act) in connection with the 13 specified goods as of August 8, 2003, but otherwise DENIED.

8. DENIED. In particular, neither Opposer AS nor Opposer ABH knowingly made any false representations with the intent to deceive the PTO.

9. ADMITTED.

10. ADMITTED that the PTO did issue the registration to Opposer ABH, but otherwise DENIED. In particular, any erroneous dates of first use were not relied on by the PTO.

11. DENIED. In particular, any errors in the dates of first use were not material.

12. DENIED.

13. ADMITTED.

14. ADMITTED that Opposer ABH is the owner of registration 2,821,892 for the mark ANASTASIA BEVERLY HILLS; but DENIED that the registration is directed to the quoted goods in Class 3. In particular, some of the listed goods are not in Class 3, as originally granted it did not include "bronzing liquid" or "eyebrow color pencils" and the quoted language as to Class 3 is missing "and" prior to "fragranced".

15. ADMITTED.

16. ADMITTED that Opposer AS signed a Declaration on May 22, 2001 that stated that the mark ANASTASIA BEVERLY HILLS "is now in use in commerce" but otherwise DENIED. In particular, the Declaration signed by Opposer AS did not recite or otherwise refer to any specific goods or to any specific date of first use in commerce.

17. ADMITTED as to nail polish, nail base coat, and nail top coat, but otherwise DENIED. In particular, prior to January 2010 at least some of the specified goods were used by Opposers in their Beverly Hills salon in connection with various ANASTASIA BEVERLY HILLS branded skin care services and the ANASTASIA BEVERLY HILLS mark was used on at least some of the specified goods on sale in the salon.

17. [sic] ADMITTED that Opposers had not used the ANASTASIA BEVERLY HILLS mark "in commerce" (as that term is defined in the Lanham Act) in connection with the 13 specified goods as of the date of registration, but otherwise DENIED..

18. ADMITTED that Opposers had not used the A ANASTASIA BEVERLY HILLS mark in commerce (as that term is defined in the Lanham Act) in connection with the 13 specified goods as of May 22, 2001, but otherwise DENIED.

19. DENIED. In particular, neither Opposer AS nor Opposer ABH knowingly made any false representations with the intent to deceive the PTO.

20. ADMITTED

21. ADMITTED that the PTO did issue the registration to Opposer ABH, but otherwise DENIED. In particular, the dates of first use were not relied on by the PTO.

22. DENIED. In particular, any errors in the dates of first use were not material.

23. DENIED.

24. ADMITTED.

Respectfully submitted

/John M May/

John M May

Berliner & Associates

555 W Fifth St

Los Angeles, CA 90013

Attorney for OPPOSERS

Dated: July 30, 2010

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this ANSWER TO AMENDED COUNTERCLAIMS is being served this date upon APPLICANT by email, by agreement, upon APPLICANT's counsel, at daphneb@earthlink.net.

/John M May/

John M May

Attorney for Opposers

Dated: July 30, 2010